

CONSERVATION COMMISSION
REGULAR MEETING MARCH 20, 2012
CONFERENCE ROOM L 101

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotapes on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Chairman Block called the roll call at 7:01 p.m. and noted Commissioners Andreas, Clark, Igielski, Shapiro and Zelek were present. Also present were Alternate Paskewich and Chris Greenlaw, Town Engineer.

NOTE: Chairman Block designated that Alternate Paskewich would vote for vacant position.

ITEM III
ACCEPTANCE OF MINUTES

Regular Meeting of February 21, 2012

Commissioner Igielski noted the following corrections:

- A. Top of Page 2---Remark "F" should read "Activities under review include replacing of...and the regrading (regarding) of the rear yard....trucked in fill) material."
- B. Top of Page 2---Remark "H" should read "The regrading (regarding) operation took place....area (per Town Map)."

Alternate Paskewich noted on the bottom of Page 8---Remark at the bottom of page should read "Alternate Paskewich noted that he was in contact...municipality. He commented that an application would be for an individual aquatic site."

Motion made by Commissioner Igielski to accept the minutes as amended and was seconded by Commissioner Clark. There was no discussion. Vote was 4 yes, 0 no, 3 abstentions (Block Andreas, and Shapiro) and the motion was carried.

ITEM IV
PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VA
Application 2012-06, MDC-Church Street

Mr. Michael Mancini, Director of Engineering, for the MDC noted the presence of Mr. Jason Waterbury, Project Manager with the MDC, Mr. Brian Hickey, Project Manager with CDM and Mr. Dwight R. Dunk, Soil Scientist with CDM.

Mr. Mancini noted that the improvements being proposed under this application are required under an agreement with the federal government under the Clean Water Act. He noted over the past several years the main effort has been to focus on addressing major issues in Hartford. The District is now starting now to move out into adjacent municipalities. The main focus of this project is to reduce the back up into houses of sewer and ground water flow during periods of rain. The scope of work being proposed under this project is the construction of a new main line sewer. The regulated activity being proposed under the subject application relates to a house lateral connection that lies within a regulated area. The MDC will hold its own public hearing on the project.

Mr. Jason Waterbury, Project Manager with the MDC entered the following remarks into the record:

- A. The main line sewer will start in Windmill Lane in the vicinity of the existing MDC pump station and would extend easterly to Church Street and then southerly down Church Street to Rock Hole Brook where it would connect into an existing (sanitary sewer) trunk line.
- B. The project would involve the installation of approximately 2,100 linear feet of new 18 inch pipe.
- C. The Windmill Lane pump station would be eliminated upon completion of the project.
- D. The depth of the new line would vary between 20 feet to 24 feet in depth.
- E. The project is planned for advertisement in May 2012 with a completion date of December 2012.

Mr. Dwight R. Dunk, Soil Scientist with CDM entered the following remarks into the record:

- A. He reviewed the locations of 12 to 13 locations where sewer back ups were currently occurring.
- B. He noted that the project (as it stands now) would eliminate all house back ups except for three (3) or four (3) houses at the south end of the project. This project would eliminate an existing health hazard.
- C. Referring project Plan Sheet C-4, he located the house service connection, within the up land review area, for which a permit was being requested.

- D. Referring to project Plan Sheet C-4, he reviewed the limits of a new pavement overlay on Church Street.
- E. Catch basin inlets would be protected during construction and hay bales or silt fence would be installed as required around an area of construction..

Commissioner Andreas asked the following questions:

- A. What would happen to the three (3) houses at the south end of the project? Mr. Dunk responded that they would be addressed during the MDC public hearing to be held for the project. These houses do not have public sewer and would have the option of connecting into the new sewer line.
- B. For what base storm (event) would the pipe line be designed? Mr. Mancini responded that sanitary sewer lines are not designed for a rain event; but for the number of persons per house. The old line was subject to ground water entering into the pipe through leaking joints.
- C. The combination of this flow with the sewer flow resulted in a surcharge in the line and the back up into the houses.

Chairman Block asked if the surcharge was an over burden on the sewer line? Mr. Mancini responded that the surcharge occurs when all liquid in the pipe (sewer flow and ground water) exceeds the capacity of the pipe and pushes back and comes out of pipe (at a manhole and/or in the house).

Mr. Waterbury noted that this project together with the permit issued last month would eliminate about 75 percent of the problems in the area. Other projects down the road would take care of the remaining ones.

Mr. Waterbury explained how the storm event of 1996 in the record book (and matched in March 2011) is the model used in evaluating the function ability (no back up should occur) of a new installation.

Commissioner Clark asked if any work would be done on the Young Farm? Mr. Waterbury responded no.

Chairman Block asked the following questions:

- A. For an explanation of a small dot or circle on the street location map on the last project plan sheet near the Wethersfield Town line? Mr. Waterbury responded to show that after checking the national data base to see that no work would be performed in an area of protected species of habitat.
- B. What happens with the new sewer line at the double culvert crossing on Windmill Lane? Mr. Waterbury responded the new line would be jacked under the culvert.

C. Would the tunneling disturb the soil around double culvert pipe system? Mr. Waterbury responded that there would be no disturbance.

D. What would be the distance between the jacking pits? Mr. Mancini responded a minimum of 20 feet.

Mr. Greenlaw suggested that it might be a good idea if the applicant could share some of its experience in jacking operations with the Commission.

Mr. Mancini went on to explain a project where 3,700 linear feet of 72 inch pipe was jacked under the City of Hartford for which district (MDC) has won a national award (listen to audio tape for details of his remarks).

Mr. Greenlaw noted that the plans are 90 percent complete. Can you give the Commission an estimated cost of this project? Mr. Waterbury responded about \$1.8 million.

Commissioner Zelek noted that the dot/circle previously noted on the last plan sheet looks like it may be in the area of Cedar Mountain. Can you tell me the source of the information? Mr. Dunk responded the Connecticut DEEP data base.

Motion made by Commissioner Igelski to table the item over to the April meeting and was seconded by Commissioner Clark. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

ITEM VI A

Application 2012-03, 167 Brookside Road

Mr. Greenlaw noted that the next three (3) applications were all notice of violations at various locations in Town. The work had been done in good faith by contractors. The violations involved residential, commercial and condominium properties.

Commissioner Zelek noted the Commission is waiting for a report (from the Zoning Enforcement Officer) relative to a possible flood plain encroachment (resulting from the fill operation) and is administered under the Zoning Regulations.

Mr. Greenlaw noted that the Zoning Enforcement Officer told him a plan would be submitted today relative to the flood plain issue. He also noted that the wetland and possible flood plain violation are separate issues.

Chairman Block asked if any new information was needed? Ms. Tricia Lucas, co-applicant, responded she had nothing new to present (at this time).

Chairman Block noted (that applicant could either) remove the fill material and develop a remediation plan on other part of property or develop a remediation plan for the existing conditions.

Ms. Lucas said that she is waiting for a decision on the filling.

Mr. Greenlaw noted that he did not know if the plan was submitted today. When the plan is received, it would have to be reviewed by him.

Mr. Greenlaw noted that he had a plat plan showing the wetland.

Mr. Brian Fairclough, the contractor who did the site work, said that he would prefer not to remove the material. What could be done to leave the material in place and satisfy the Commission? Chairman Block responded remove the fill material; provide a remediation or an alternate plan.

Mr. Fairclough suggested that the fill material be left in place and put in wetland plantings.

Mr. Greenlaw noted that a decision (by the Commission) can not be made (in his opinion) until the extent of any impact is known from zoning.

Mr. Greenlaw requested that when a plan is submitted to zoning, one should also be submitted to the (Conservation) Commission.

Chairman Block noted the applicant (in his opinion) would be better served by using someone with experience to develop the plan.

Recording Secretary Peter Arburrr noted that if the Commission does not act on the application tonight, a time extension should be requested from the applicant.

Commissioner Igielski suggested that any request for an extension of time should be for the maximum time allowed (per the Regulations).

Mr. Fairclough said that he hoped that the matter could be resolved next month. Time is being lost to grow grass. He hoped that everything could be resolved, even though things have changed from last month's meeting.

Ms. Lucas noted the best alternative is to correct situation and develop a plan.

Commissioner Igielski noted that the proposed shed location should be shown on any plan.

Alternate Paskewich noted there should be a report from an engineer or other party.

Chairman Block said there would have to be a report.

Chairman Block noted a survey would show the extent of the problem. The question is what is going to be done?

Ms. Lucas asked if she should hire an environmental person and only to have said person come back with a recommendation to remove the material? Chairman Block responded the decision is up to you.

Commissioner Igielski noted that plan should show limits of fill in wetland.

Mr. Greenlaw noted that plat plan shows all activities and restoration limits.

There was a general discussion on the issues and how they would be addressed. The applicant (Mr. Lucas) noted, (in his opinion) there was no resolution, only a back and forth discussion. Applicant was looking for guidance (listen to audio tape for details of the discussion)

Chairman Block said that he had reviewed the application..

Commissioner Zelek noted that he went out to the property but was not able to make a determination on how much damage has been done.

Chairman Block suggested that the applicant work with Mr. Greenlaw.

Mr. Greenlaw noted that in his opinion, there are two (2) outstanding issues: namely. Remove or leave in place the fill material that was put in the wetland and development of a restoration plan for either scenario.

Mr. Lucas said that following last month's meeting, he thought the Commission would act on the application tonight with conditions that would address the issues.

Mr. Lucas asked if a viable option would be the removal of the fill (from the wetland) together with plan for restoration? Chairman Block responded that it would be a possible course of action.

Mr. Greenlaw noted that the other items discussed last month were okay with him.

Commissioner Zelek noted that the proposed shed should be located in the upland review area.

Mr. Lucas requested guidance from the Commission on what would be required to be submitted (for next month's meeting). There was a general discussion (listen to audio tape for details of the discussion).

Motion made by Commissioner Shapiro to table the item over to the April meeting and was seconded by Alternate Paskewich. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

ITEM VI B

Application 2012-04, 105 Day Street

Chairman Block asked if the application was complete? Mr. Greenlaw responded yes.

Commissioner Igielski noted that 4 votes are required to issue a permit. It means that all members present would have would vote in the affirmative to approve a permit. The applicant does have the option to seek an extension to the April meeting when more Commission members might be present.

Chairman Block said that he reviewed the application and the Recording Secretary's Minutes. He was unable to listen to the tape recorded minutes. He asked the applicant if there was an objection to his voting on the application? Ms. Jackie Borowski, the applicant, responded that she had no objection.

Commissioners Andreas and Shapiro noted that they would abstain from voting on the application.

Ms. Jackie Borowski, the applicant, requested that the Commission vote tonight.

Motion made by Commissioner Igielski that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2012-04 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Commissioner Clark. There was no discussion. Vote was 5 yes, 0 no, 2 abstentions (Andreas and Shapiro) and the motion was carried.

Mr. Greenlaw handed out a list of suggested conditions for review and comment by Commission members.

There was a general discussion and review of the conditions among Commission members.

Motion made by Commissioner Igielski to grant a permit by Summary Ruling for Application 2012-04 and subject to conditions noted in the record (audio tape) or "Official Notification of Action". Motion was seconded by Commissioner Zelek. There was no discussion. Vote was 5 yes, 0 no, 2 abstentions (Andreas and Shapiro) and the motion was carried.

ITEM VI C

Application 2012-05, Colonial Manor Condos, 1457-1473 Willard Avenue

Chairman Block asked if the application was complete? Mr. Greenlaw responded yes.

Commissioner Igielski noted that 4 votes are required to issue a permit. It means that all members present would have would vote in the affirmative to approve a permit. The applicant does have the option to seek an extension to the April meeting when more Commission members might be present.

Mr. Dominic Cantafi, the applicant, requested that the Commission vote tonight.

Motion made by Commissioner Igielski that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2012-05 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Commissioner Zelek. There was no discussion. Vote was 4 yes, 0 no, 3 abstentions (Andreas, Block and Shapiro) and the motion was carried.

Mr. Greenlaw handed out a list of suggested conditions for review and comment by Commission members.

There was a general discussion and review of the conditions among Commission members.

Motion made by Commissioner Igielski to grant a permit by Summary Ruling for Application 2012-05 and subject to conditions noted in the record (audio tape) or "Official Notification of Action". Motion was seconded by Commissioner Zelek. There was no discussion. Vote was 4 yes, 0 no, 3 abstentions (Andreas, Block and Shapiro) and the motion was carried.

ITEM VI D

Chairman Block-New Initiative (Evasive Plants)

Alternate Paskewich noted that he has been in contact with a scientist from the Connecticut Agricultural Experiment Station. The party provided him with two (2) documents entitled "Connecticut's Invasive Aquatic and Wetland Plants Identification Guide" (copy provided to Commission members) and "Biology & Control of Aquatic Plants" (copy the Chair).

Alternate Paskewich noted the "Lake Survey Site Application Form" can be down loaded from the computer.

Mr. Greenlaw noted that Alternate Paskewich (Commissioner Zelek) is covering aquatic plants and Commissioner Clark is covering land plants.

Commissioner Clark noted that Ms. Donna Ellis would be available on May 8th to speak on a variety of matters to get people and/or Commission members started on the matter.

Commissioner Clark noted that the Commission would have to decide if the public should be involved and where to hold the meeting.

Mr. Greenlaw suggested that Conference Room B&C may be a possibility.

Chairman Block suggested that consideration be given to contacting the media to get the word out.

Alternate Paskewich noted that the Commission should give consideration to meeting alone in order to get started.

There was a general discussion addressing the type of presentation, special meeting or workshop approach, where to hold meeting or workshop (no secretary necessary) and getting

a handle on how many would attend the meeting or workshop (listen to audio tape for details of the discussion).

It was the consensus of Commission members to hold a work shop.

Motion made by Commission Andreas to hold an introductory workshop on evasive plants on May 1, 2012, at a location to be determined and was seconded by Alternate Paskewich. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

ITEM VII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VIII

COMMUNICATIONS AND REPORTS

Mr. Greenlaw entered the following items into the record:

- A. He passed out the Winter 2011 volume of the "Habitat" to Commission members.
- B. The Public Works Department will be working under the Town's General Permit No. 1 at the outlet end of a Town storm water system at 52 Indian Hill Road. The scope of work includes the removal of sand and the repair of the flared end section and a section of pipe.
- C. DEEP has sent to the Commission a copy of an application it has received from the Town of Newington (Parks and Recreation Department) for a permit to use a pesticide at Mill Pond and Churchill Parks. It is available for review.
- D. DEEP has sent to the Commission a copy of an application it has received from CL&P for a permit to use a herbicide within its transmission line right of ways. It is available for review.
- E. DEEP has advised the Town that it has issued a permit for the (New Britain to Hartford) Bus Way Project.
- F. DEEP has set the meeting dates for the first two (2) sessions of its annual training programs for new Commission member(s).
- G. The Town Clerk's Office has forwarded a Code of Ethics Form that has to be filled out by each new Commission member.
- H. A copy of the most recent Commission membership form was passed out to Commission members. Each member was asked to review his/her information and notify Mr. Greenlaw of any change(s).

Motion made by Commissioner Shapiro to adjourn meeting at 9:28 p.m. and was seconded by Alternate Paskewich. There was no discussion. Vote was 7 yes, 0 no and motion was carried.

Peter M. Arburr, Recording Secretary

Commission Members

Tayna Lane, Town Clerk

Town Manager, John Salamone

Town Planner

Councilor Myra Cohen

Councilor David Nagel

Chairperson, Town Plan and Zoning Commission.

Peter Borman, Esquire, Town Attorney

Chris Greenlaw, Town Engineer

Lucy Robbins Wells Library (2)